



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2105

DATE SCANNED 3/29/10

SCANNER NO. 2

SCAN OPERATOR FEJ

10092650735



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 SEP 11 P 4: 05

September 11, 2009

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ROBERT HICKEY *RFH*
STAFF DIRECTOR

FROM: JOHN D. GIBSON *JDG*
CHIEF COMPLIANCE OFFICER

PATRICIA CARMONA *PC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/RHIANNON MAGRUDER *Nut*
COMPLIANCE BRANCH *RM*

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2009 MID-YEAR
REPORT FOR THE ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2009 Mid-Year Report in accordance with 2 U.S.C. § 434(a). The Mid-Year Report was due on July 31, 2009.

The committees listed in the attached RTB Circulation Report either filed the report more than five (5) days after the due date or failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2009 MID-YEAR REPORT Not Election Sensitive 07/31/2009 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2105	C00381517	DEMOCRATIC ADVANCEMENT PAC	CRAMER, CHRISTOPHER R.	\$119,843	2		Not Filed	\$119,843 (est)	\$7,425
2106	C00376384	MONROE COUNTY DEMOCRATIC COMMITTEE	KEGERREIS, LEIGH	\$183,197	2		Not Filed	\$183,197 (est)	\$9,075

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2009)
Mid-Year Report for the Administrative)
Fine Program:)

DEMOCRATIC ADVANCEMENT PAC,) AF# 2105
and CRAMER, CHRISTOPHER R. as)
treasurer;)
MONROE COUNTY DEMOCRATIC) AF# 2106
COMMITTEE, and KEGERREIS, LEIGH)
as treasurer;)

CERTIFICATION

I, Mary W. Dove, Secretary of the Federal Election Commission, do hereby
certify that on September 15, 2009 the Commission took the following actions on the
Reason To Believe Recommendation - 2009 Mid-Year Report for the Administrative
Fine Program as recommended in the Reports Analysis Division's Memorandum dated
September 11, 2009, on the following committees:

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AF#2105 Decided by a vote of 6-0 to: (1) find reason to believe that DEMOCRATIC ADVANCEMENT PAC, and CRAMER, CHRISTOPHER R. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2106 Decided by a vote of 6-0 to: (1) find reason to believe that MONROE COUNTY DEMOCRATIC COMMITTEE, and KEGERREIS, LEIGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 15, 2009
Date

Mary W. Dove
Mary W. Dove
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 16, 2009

Christopher R. Cramer as Treasurer
Democratic Advancement PAC
600 1st Ave., Ste. 304
Seattle, WA 98104

C00381517
AF#: 2105

Dear Mr. Cramer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Mid Year Report of Receipts and Disbursements in any calendar year other than one during which a regularly scheduled general election is held. This report, covering the period through June 30th, shall be filed no later than July 31st. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file the report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 15, 2009, the FEC found that there is reason to believe ("RTB") that Democratic Advancement PAC and you as treasurer violated 2 U.S.C. § 434(a) by failing to file timely this report on or before July 31st. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$7,425. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$7,425 is due within forty (40) days of the finding, or by October 25, 2009, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$119,843
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 25, 2009. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not or submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Democratic Advancement PAC and you as treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.45.

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Rhiannon Magruder in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Steven T. Walther
Chairman

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$7,425 for the 2009 Mid-Year Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 25, 2009. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 2105

PAYMENT DUE DATE: October 25, 2009

PAYMENT AMOUNT DUE: \$7,425

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**FEC OFFICE OF
ADMIN REVIEW**

RECEIVED
TO MAIL CENTER

2009 OCT 26 AM 11:21

2009 OCT 26 P 4:13

DAPAC
Democratic Advancement PAC
15600 NE 8th Street, Suite B1-931
Bellevue, WA 98008

October 24, 2009

Federal Election Commission
Office of Administrative Review
999 E Street NW
Washington, DC 20463

FAX 2022081574

Committee Designation: C00381517

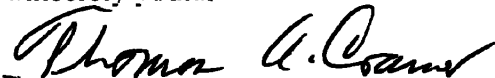
AF 2105 and related AF #1849, 1893, 2003, 2060

Dear sir:

I am challenging AF 2105 and the noted related AF based on five grounds and a sixth a reduction in the fine based on the updated reports:

1. Improper notification, the treasurer was never legally notified of the fines, his signature does not appear on any receipts. It should have been addressed only for his signature. The designated treasurer has never viewed these AF's because legal process was not followed. These fines should immediately be dismissed on that basis.
2. These fines occurred because the software was updated and the Linux software we used for six years was not even a consideration in the upgrade process. Even though it cost a substantial amount of time and money in order for us to upgrade our software. We should have been allowed extra time to conform or a paper copy should have been excepted in the interim.
3. At the same time the one person at the FEC who understood the changes and how it effected Linux operating system was let go.
4. The person at our organization responsible for electronic filing was seriously ill and unavailable. We made repeated offers to allow paper filing and were refused.
5. The act 2 U.S.C. 434(a)(12) was violated by not allowing other major operating systems access to the proposed upgrades before they were promulgated.
6. The fine is incorrect because the level of activity does not support the fine level.

Sincerely yours,



Thomas A. Cramer President and current treasurer DAPAC



Christopher R. Cramer
Past Treasurer DAPAC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

October 26, 2009

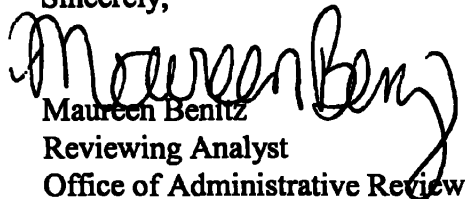
Christopher R. Cramer, as Treasurer
Democratic Advancement PAC
600 1st Ave., Ste. 304
Seattle, WA 98104

C0000381517
AF# 2105

Dear Mr. Cramer:

On October 26, 2009, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. A committee must file an amended Statement of Organization (FEC Form 1) to report a change of information, for example, a new treasurer. The amended Statement must be filed within 10 days after the change. 11 C.F.R. § 102.2(a)(2). If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,


Maureen Benitz
Reviewing Analyst
Office of Administrative Review

cc: Democratic Advancement PAC
15600 NE 8th Street, Suite B1-931
Bellevue, WA 98008

10092650745

Date: November 2, 2009

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2105

Committee: Democratic Advancement PAC

Committee ID#: C00381517

Committee Address (if different than in RTB letter):

Treasurer Name (if different than in RTB finding):

Attachments:

**Copy of RTB Circulation Report, dated September 11, 2009 and RTB
Certification, dated September 15, 2009:**

Attachment #: 1

Delivery Confirmation with Signature: (Y/N):Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2009 Mid-Year Report Prior Notice, dated June 22, 2009.

-Non-Filer Notice, dated August 19, 2009

-RTB Letter, dated September 16, 2009.

Attachment #: 4


Other RAD Information: (Y/N): Memo to File, Returned RTB Letter, Re-mail Info

Attachment#: 5

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DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Democratic Advancement PAC:
 - A) Prior Notice, dated June 22, 2009, referencing the 2009 Mid-Year Report (sent via electronic mail to: crayc@dapac.org);
 - B) Non-Filer Letter, dated August 19, 2009, referencing the 2009 Mid-Year Report;
 - C) Reason-to-Believe Letter, dated September 16, 2009, referencing the 2009 Mid-Year Report.
3. I hereby certify that I have searched the Commission's public records and find that Democratic Advancement PAC filed the 2009 Mid-Year Report with the Commission on October 25, 2009.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 2nd day of November, 2009.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

10092650747



MID-YEAR

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

June 22, 2009

CURRENT REPORTS DUE:

SEMIANNUAL FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Mid-Year	06/30/09	07/31/09	07/31/09

MONTHLY FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Monthly	06/30/09	07/20/09	07/20/09

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either semiannual or monthly reports in 2009. Before a committee can stop filing with the FEC, it must file a termination report with the Commission. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

See 11 CFR 102.3.

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

Supplemental Filing Information is available on page 3 of this notice.

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered.

REPORTING SCHEDULE FOR REMAINDER OF 2009:

SEMIANNUAL FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	12/31/09	01/31/10	01/31/10 ²

MONTHLY FILERS

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
August	07/31/09	08/20/09	08/20/09
September	08/31/09	09/20/09	09/20/09 ²
October	09/30/09	10/20/09	10/20/09
November	10/31/09	11/20/09	11/20/09
December	11/30/09	12/20/09	12/20/09 ²
Year-End	12/31/09	01/31/10	01/31/10 ²

Supplemental Filing Information is available on page 3 of this notice.

¹ See Footnote #1, p. 1 of this notice.

² Notice that this filing date falls on a weekend. Filing dates are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's (or for committees supporting only Senate candidates, the Secretary of the Senate's) close of business on the last business day before the deadline.

SUPPLEMENTAL FILING INFORMATION

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline.

- Web Page: [Electronic Filing Page](#)
- Campaign Guide: *Nonconnected Committees (Nonconnected)*, pp. 51-53 [PDF]; *Corporations and Labor Organizations (SSF)*, pp. 49-51 [PDF]; *Political Party Committees (Party)*, pp. 67-69 [PDF].

Paper Filing – Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Campaign Guide: *Nonconnected*, pp. 47-48 [PDF]; *SSF*, pp. 45-46 [PDF]; *Party*, p. 63 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

- [Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 3-4 [PDF]; *SSF*, pp. 1-2 [PDF]; *Party*, p. 6 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$16,000 (or more for repeat late- and non-filers.

- Web Page: [Administrative Fine Program Page](#)
- Campaign Guide: *Nonconnected*, pp. 48-49 [PDF]; *SSF*, p. 46 [PDF]; *Party*, p. 64 [PDF].

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2009 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

- Web Page: [2009 special election 48- and 24-hour reporting periods for independent expenditures](#)
- Campaign Guide: *Nonconnected*, pp. 72-74 [PDF]; *SSF*, pp. 65-67 [PDF]; *Party*, pp. 85-87 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

2009 REPORTING SCHEDULE

- Web Page: [2009 Reporting Dates Page](#)
- [The Record January 2009 issue](#) [PDF]
- Campaign Guide: *Nonconnected*, pp. 49-51 [PDF]; *SSF*, pp. 46-48 [PDF]; *Party*, pp. 65-66 [PDF].

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to semiannually) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year.

- Web Page: [Filing Frequency by Type of Committee](#)
- Campaign Guide: *Nonconnected*, p. 51 [PDF]; *SSF*, p. 49 [PDF]; *Party*, p. 65 [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 19, 2009

RQ-7

CHRISTOPHER R. CRAMER, TREASURER
DEMOCRATIC ADVANCEMENT PAC
600 1ST AVE. STE. 304
SEATTLE, WA 98104

IDENTIFICATION NUMBER: C00381517

REFERENCE: MID-YEAR REPORT REPORT 1/1/2009 - 6/30/2009

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

A handwritten signature in cursive script that reads "Patricia Carmona".

PATRICIA CARMONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

2903015120092650751



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2009 DEC -8 P 2:04

December 8, 2009

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *[Signature]*
Acting Staff Director

From: John D. Gibson *[Signature]*
Chief Compliance Officer

Shawn Woodhead Wertz *[Signature]*
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz *[Signature]*
Reviewing Analyst

Subject: Reviewing Officer Recommendation in AF# 2105 – Democratic
Advancement PAC and Christopher R. Cramer, as Treasurer
(C00381517)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

10092650752



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 8, 2009

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2105 -- Democratic Advancement PAC and Christopher R. Cramer, as Treasurer
(C00381517)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$1,485 civil money penalty.

Reason-to-Believe Background

On September 15, 2009, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2009 Mid-Year Report and made a preliminary determination that the civil money penalty was \$7,425, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on September 16, 2009 of the Commission's RTB finding and civil money penalty. The letter, sent to the address of record, was returned to RAD. On September 22, 2009, the letter was successfully delivered to an alternate address.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in a non-election year, a report for the period ending June 30 no later than July 31. 2 U.S.C. § 434(a)(4)(A)(iv) and 11 C.F.R. § 104.5(c)(2)(i). Political committees required to file reports with the Commission must file in an electronic format if they received or expect to receive contributions or made or expect to make expenditures in a calendar year aggregating in excess of \$50,000. A political committee shall have reason to expect to exceed this threshold for two calendar years following the calendar year in which the committee exceeds the threshold. Reports filed on paper do not satisfy a political committee's filing obligation. 2 U.S.C. § 434(a)(11) and 11 C.F.R. § 104.18(a). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 31 for the Mid-Year Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). A political committee must report any changes or corrections on its Statement of Organization no later than 10 days following the date of the change. 2 U.S.C. § 433(c) and 11 C.F.R. § 102.2(a)(2). Unless a statement designating counsel is filed, all notifications and communications are sent to a respondent political committee and its treasurer at the political committee's address as listed in the most recent Statement of Organization. 11 C.F.R. § 111.46.

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Respondents' Challenge and Analysis

On October 26, 2009, the Commission received the original and facsimile of the written response ("challenge") from Christopher R. Cramer and Thomas Cramer. Christopher R. Cramer, who is the current Treasurer, signed it as past Treasurer. Thomas Cramer signed it as President and current Treasurer. The respondents reference four previous cases (AF# 1849, 1893, 2003 and 2060) in addition to AF# 2105. The Commission made final determinations and assessed fines in those cases. The respondents received the final determination notification for AF# 1849 and 1893 before they submitted the challenge for AF# 2105. They received the final determination notification for AF# 2003 and 2060 on October 26, 2009. This challenge raises six issues, half of which focus on electronic filing and software problems (similar to what they raised in their previous challenges) and half of which are not related to electronic filing.

Electronic Filing Issues:

- The respondents state that the software they used for six years (Linux) was not considered when the Commission upgraded its software. They also state that they should have been given extra time to conform to the upgrade or allowed to file on paper.

In the Information Technology Division ("ITD") Manager's response, he explains how the EFO staff specifically told representatives from the Committee that FECFile is not, nor has ever been, designed to work on an operating system other than Windows. This information is widely available on the Commission's website and the EFO staff told this to the respondents. In several telephone conversations between October 8, 2008 and April 3, 2009, well before the Mid-Year Report was due, Committee representatives told EFO staff that they purchased, or planned to purchase, a computer with a Windows based operating system. Had the respondents purchased such an operating system, it would have eliminated the need for a Wine emulator work-around. It is not known if the respondents purchased a Windows based operating system, or continue to use the Wine emulator work-around to upload reports using the Commission's FECFile software (according to the ITD Manager, they filed all reports since 2004 using FECFile software). A week after a Committee representative got help from the EFO staff, they successfully and electronically filed two other reports on September 16, 2009. They waited another five weeks to successfully upload the Mid-Year Report, without assistance from the RAD Analyst or the EFO staff, on October 25, 2009. Christopher Cramer electronically signed all of these reports.

- The respondents state that only one person at the Commission understood the Linux operating system. The Commission then fired this person who understood how upgrading the FECFile software affects the Linux operating system.

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In the ITD Manager's response, he says that this is not accurate and explains that the staff member who helped the Committee in the past, Mr. Carlos Luna, has not had a leave of absence since first assisting them with their compatibility problems. Mr. Luna is also the person who researched and found the Wine emulator, which allowed them to upload their 2008 July Quarterly Report. The same is true of Mr. Lally who most recently contacted them in August 2009 about how to obtain and use the Vendor Tool Kit. The EFO has no record that they tried to contact Messrs. Luna or Lally for help filing the Mid-Year Report.

- The respondents say that the Commission violated 2 U.S.C. § 434(a)(12). The Commission did not allow other major operating systems access to the proposed upgrades before they were promulgated.

The respondents raised this defense in previous cases. At the time, the Reviewing Analyst sent a letter to the respondents seeking clarifying information regarding this specific issue. To date, the respondents have not submitted any additional information to that request nor do they clarify the issue in the challenge for AF# 2105.

In the ITD Manager's response, he explains how any committee can find all electronic filing specifications at the Electronic Filing section of the Commission's website as well as in the FECFile User's Manual for unauthorized committees. The website article and User's Manual give electronic filers the minimum Windows operating system requirements they need to use the FECFile software and clearly state that no other operating system is supported.

The Electronic Filing section of the web site offers detailed information regarding electronic filing specifications. This section includes a Vendor Tool Kit, which provides all the information a developer needs to file a report. This includes electronic formats, tools for validating, printing, and uploading, and detailed specifications for the data and required data file format. The Vendor Tool Kit is available at <http://www.fec.gov/elecfil/vendors.shtml>. In August of 2009, a representative from the EFO left a voice mail for Messrs. Christopher and Thomas Cramer providing instructions on where to find the Vender Tool Kit. In addition to the information provided on the Commission website, the EFO notifies all committees via email when there are changes made to FECFile, or changes made that would affect vendor software. It is the practice of the EFO to provide several months' notice to allow vendors and committees to adjust their software.

The respondents' electronic filing arguments revolve around their inability to use the FECFile software. The respondents have had multiple opportunities to file their reports using FECFile on Linux with a Windows emulator, FECFile on a Windows operating system, or vendor electronic filing software that does not require a Windows operating system. The EFO staff also helped them on several occasions over a one-year period with recurring electronic filing issues (such as locating, converting, or constructing the Committee's data set; and rebuilding reports). The administrative fine

regulations specifically state that failure to use filing software properly is not a reasonably unforeseen circumstance. 11 C.F.R § 111.35(d).

Non-Electronic Filing Issues:

- The respondents state that the Treasurer was never legally notified of the fines, his signature does not appear on any receipts, it should have been addressed only for his signature and the Treasurer did not view these fines because the legal process was not followed. For these reasons, the fine should be dismissed.

Christopher Cramer was designated as Treasurer on the Committee's new Statement of Organization filed in August 2002 (on the same Statement of Organization, Thomas Cramer was listed as the designated agent). The respondents filed an amended Statement of Organization on July 30, 2005, which disclosed Christopher R. Cramer as Treasurer. To change a Treasurer, a Committee must file an Amended Statement of Organization. The respondents have not filed an amended Statement of Organization since July 30, 2005. Therefore, the Commission sent the RTB letter, as required, to the correct Treasurer and address. If the Treasurer or address has changed, they must file an Amended Statement of Organization no later than 10 days after the change has occurred.

- The respondents state that the person responsible for the electronic filing of reports was ill and unable to file reports. Furthermore, the respondents repeatedly requested to file reports on paper and the Commission denied the requests.

The Treasurer, not staff, is responsible for the timely filing of all reports, even if someone else prepares and files them. Based on the records provided by RAD and the EFO, it appears that Barbara Cramer is the individual responsible for preparing the Committee's reports. In a telephone conversation on May 12, 2009, between Thomas Cramer and a RAD Analyst, Mr. Cramer states that his wife, who files the reports, has been sick and that they are just now in the process of cleaning up their FEC reports. Over two months later, on July 29, 2009, Ms. Cramer called the EFO for assistance in rebuilding her data set. Thus, two days before the Mid-Year Report was due, Ms. Cramer was working on the Committee's reports. The administrative fine regulations specifically state that unavailability of staff is not a reasonably unforeseen circumstance. 11 C.F.R § 111.35(d).

On October 23, 2008, the respondents electronically filed a Miscellaneous Electronic Submission. They state, in part, that they are willing to send in paper copies of their reports until they resolve their electronic filing problems. On November 13, 2008, the RAD Analyst left a voice message for the respondents, explained the electronic filing regulations, and told them that they must file their reports electronically. The respondents crossed the electronic filing threshold prior to the 2009 Mid-Year reporting period, are required to file all reports electronically, and reports filed on paper are considered not filed.

- The respondents say that the fine is incorrect. The level of activity does not support the fine level.

They did not file the Mid-Year Report before the RTB finding, so an estimated level of activity was used to calculate the fine. On October 25, 2009, the respondents electronically filed the report and, based on the actual level of activity, they are correct that the RTB fine is now too high. The Mid-Year Report discloses \$16,071 in total receipts and \$15,117 in total disbursements (less the non-federal share of operating expenditures) for an actual level of activity of \$31,188. The report is non-election sensitive, considered not filed for purposes of the civil money penalty calculation and the respondents have 2 prior violations. 11 C.F.R. § 111.43(a), (d) and (e). The amount of the recalculated fine is: $\$990 \times [1 + (.25 \times 2)]$ or \$1,485.

Contact with Respondents about Filing Report:

On at least seven occasions before and after the report was due, representatives from the Commission contacted the respondents or the respondents called Commission staff:

- On June 22, 2009, the Commission sent the respondents the Prior Notice for the Mid-Year Report, specifically stating the coverage and due dates for the report. The Commission sent the notification to the email address listed on their Statement of Organization.
- On July 29, 2009, Ms. Cramer called the EFO requesting help in rebuilding her data set. Staff from the EFO explained to Ms. Cramer where to find the directions to do this. Ms. Cramer printed out the instructions and said she would call back if she had additional questions.
- On August 1, 2009 (the day after the filing deadline), the EFO sent the 12-hour non-filer email notification to "barbara_cramer28@yahoo.com" alerting them that they did not file the Mid-Year Report. This is the email address provided by the respondents.
- The Commission sent a non-filer notice to the respondents, at their address of record, on August 19, 2009.
- On September 9, 2009, a representative from the Committee called the EFO for help with the 2008 Year-End Report. The 2008 30 Day Post-General and Year-End Reports were filed seven days later. There is no indication that the Committee representative sought help for the 2009 Mid-Year Report.
- During telephone conversations (September 10, 14 and 16, 2009) regarding previous cases, the Reviewing Analyst reminded Mr. Thomas Cramer that the respondents did not file the Mid-Year Report and that he should do so immediately. He acknowledged that the respondents did not file the report and would work to get the report completed.
- On October 23, 2009, the Reviewing Officer spoke with Mr. Thomas Cramer, encouraging him to file the 2009 Mid-Year Report. Mr. Cramer assumed that because the 2008 reports were filed, it would reduce the penalty for this report. The Reviewing Officer explained how the penalty

was calculated, and told him that the penalty could not be reduced until the report was filed.

The administrative fine regulations specifically state that failure to use filing software properly and unavailability of staff are not reasonably unforeseen circumstances. 11 C.F.R § 111.35(d). Their challenge fails to address any of the three valid excuses at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,485 (reduced from \$7,425).

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2105 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2105 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Mid-Year Report filed on October 25, 2009 (\$31,188) assess a civil money penalty of \$1,485; and
- (3) Send the appropriate letter.

Reviewing Analyst: Maureen Benitz

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 –

Attachment 4 – Declaration from RAD,

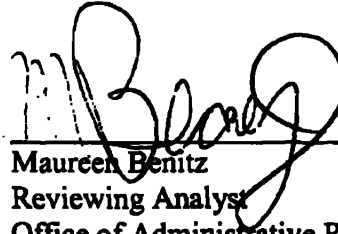
Attachment 5 – Declaration from OAR

DECLARATION OF MAUREEN BENITZ

1. I am the Reviewing Analyst in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Analyst, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2009 Mid-Year Report is due July 31, 2009. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on July 31 to be timely filed.
3. It is the practice of the Commission's Electronic Filing Office to document all calls to or from committees regarding an error message they receive while using the FECFile software. It is also this Office's practice to maintain an Electronic Filing section on the Commission's web site at <http://www.fec.gov/elecfil/electron.shtml> for the use of committees and treasurers who are electronic filers and want information about the FECFile software. Included in this section are: a list of the minimum system requirements to use FECFile; the FECFile Update List, which lists the updates made during each new build release; programming tools for software vendors; and a User's Manual for PAC & Party Committees.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - a) Pages 1 and 3 of the Statement of Organization filed by the Committee to Abolish the Death Penalty and Christopher Cramer, as Treasurer. According to the Commission's records, the statement was received on August 28, 2002 and Christopher Cramer is listed as Treasurer on Line 8;
 - b) Pages 1 and 3 of the Amended Statement of Organization electronically filed by Democratic Advancement PAC and Christopher R. Cramer, as Treasurer. According to the Commission's records, the statement was received on July 30, 2005 and Christopher R. Cramer is listed as Treasurer on Line 8;
 - c) The Miscellaneous Electronic Submission received on October 23, 2008. It states "Please note we have offered to send paper copies until the software incompatibility issues are resolved;"
 - d) Page 1 of the Summary Page for the 2008 30 Day Post-General Report electronically filed by Democratic Advancement PAC and Christopher R. Cramer, as Treasurer. According to the Commission's records, the report covers the period from October 1 through November 24, 2008, and was received on September 16, 2009;
 - e) Page 1 of the Summary Page for the 2008 Year-End Report electronically filed by Democratic Advancement PAC and Christopher R. Cramer, as Treasurer. According to the Commission's records, the report covers the period from November 25 through December 31, 2008, and was received on September 16, 2009; and
 - f) Page 1 of the Summary Page, and Pages 3 and 4 of the Detailed Summary Page for the 2009 Mid-Year Report filed electronically by Democratic Advancement PAC and Christopher R. Cramer, as Treasurer. According to Commission records, the report covers the period from January 1 through June 30, 2009, and was received on October 25, 2009. For this reporting period, Line 19 lists \$16,071.04 in receipts, Line 21(a)(i) lists \$15,177.27 in the federal share of operating expenditures, and Line 32 lists \$15,117.27 in federal disbursements.

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5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 8th of December, 2009.

A handwritten signature in black ink, appearing to read "Maurcen Benitz", is written over a horizontal line.

Maurcen Benitz
Reviewing Analyst
Office of Administrative Review
Federal Election Commission

10092650760

22037712218

FEC MAIL
OPERATIONS CENTER

2002 AUG 28 A 11: 15

FEC
FORM 1STATEMENT OF
ORGANIZATION

(See instructions)

Office Use Only

1. NAME OF
COMMITTEE (in full)(Check if name
is changed)Example: If typing, type
over the lines.

12FE4M5

Committee to Abolish the Death Penalty

ADDRESS (number and street)

714 7th Ave. N 308

(Check if address
is changed)

Seattle

WA

98104

CITY ▲

STATE ▲

ZIP CODE ▲

COMMITTEE'S E-MAIL ADDRESS

COMMITTEE'S WEB PAGE ADDRESS (URL)

2. DATE

08 21 2002

3. FEC IDENTIFICATION NUMBER ▶

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have executed this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Christopher Croner

Signature of Treasurer



Date

08 22 2002

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
UseFor further information contact:
Federal Election Commission
Tel. Free 800-424-9530FEC FORM 1
(Revised 1/01)10092650761
22037712218

Write or Type Committee Name

7. Custodian of Records: Identify by name, address (phone number - optional) and position of the person in possession of committee books and records.

Full Name Christopher Cramer
 Mailing Address 714 7th Ave. #308
Seattle WA 98104
 Title or Position Executive Director CITY Seattle STATE WA ZIP CODE 98104
 Telephone number 206-381-1446

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Christopher Cramer
 Mailing Address 714 7th Ave. #308
Seattle WA 98104
 Title or Position Executive Director CITY Seattle STATE WA ZIP CODE 98104
 Telephone number 206-381-1446

Full Name of Designated Agent Thomas Cramer
 Mailing Address 714 7th Ave. #308
Seattle WA 98104
 Title or Position President CITY Seattle STATE WA ZIP CODE 98104
 Telephone number 206-381-1446

Full Name of Designated Agent Thomas Cramer
 Mailing Address 714 7th Ave. #308
Seattle WA 98104
 Title or Position President CITY Seattle STATE WA ZIP CODE 98104
 Telephone number 206-381-1446

Full Name of Designated Agent Thomas Cramer
 Mailing Address 714 7th Ave. #308
Seattle WA 98104
 Title or Position President CITY Seattle STATE WA ZIP CODE 98104
 Telephone number 206-381-1446

07/30/2005 19:50

**FEC
FORM 1**

**STATEMENT OF
ORGANIZATION**

(See instructions)

27c2 .24.cnt

1. NAME OF COMMITTEE (in full) ☒ (Check if name is changed) Example: If typing, type over the lines 12FE4M5

Democratic Advancement PAC

ADDRESS (in full)

600 1st Ave. Ste. 304

(Check if address is changed)

Seattle

WA

98104

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

crayc@dapac.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

http://dapac.org/

COMMITTEE'S FAX NUMBER

2. DATE 06 / 30 / 2005

3. FEC IDENTIFICATION NUMBER C C00381517

4. IS THIS STATEMENT ☒ NEW (N) OR ☐ AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Christopher R. Cramer

Signature of Treasurer Electronically Filed by Christopher R. Cramer

Date 06 / 30 / 2005

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 5437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2003)

10092650763

Write or Type Committee Name

Democratic Advancement PAC

7. **Custodian of Records:** Identify by name, address, (phone number -- optional), and position of the person in possession of Committee books and records.

Full Name Christopher R. Cramer

Mailing Address 600 1st Ave. Ste. 304

Seattle WA 98104 -

Title or Position ☐ CITY ☐ STATE ☐ ZIP CODE ☐

Executive Director Telephone number 206 - 362 - 0222

8. **Treasurer:** List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name of Treasurer Christopher R. Cramer

Mailing Address 600 1st Ave. Ste. 304

Seattle WA 98104 -

Title or Position ☐ CITY ☐ STATE ☐ ZIP CODE ☐

Executive Director Telephone number 206 - 362 - 0222

Full Name of Designated Agent _____

Mailing Address _____

Title or Position ☐ CITY ☐ STATE ☐ ZIP CODE ☐

Telephone number _____ - _____ - _____

10092650764

We are not able to use the FEC software on our office system. We purchased a new Windows compatible computer for the office, but the system will not work with our system or modem. Our internet access supplier said this was common with new computers and tried to help us. They were unsuccessful. We then hired a computer technologist to make changes, but he could not get the new Windows computer to function.

We downloaded the new software and the July report on a laptop with windows software at my home, but the report did not load into the new software. We cannot open the July report so we will have to re-enter all the data (names, addresses, occupation, employer and amounts for all donors, names and addresses for all expenditures) to submit the July report and then the same with the 3rd quarter report.

Please note we have offered to send paper copies until the software incompatibility issues are resolved. This problem stemmed from software upgrades you have made at the FEC this year.

The fellow who helped us in Tech Support in the past is no longer there. He was able to offer the commands that would allow our Linux operating system to work with your software program.

10092650765

.....

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Democratic Advancement PAC

ADDRESS (number and street)

600 1st Ave, Ste 305

Check if different
than previously
reported. (ACC)

Seattle

WA

98104

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00381517

3. IS THIS REPORT ☒ NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)
July 15
Quarterly Report(Q2)
October 15
Quarterly Report(Q3)
January 31
Quarterly Report(YE)
July 31 Mid-Year
Report(Non-election
Year Only) (MY)
Termination Report
(TER)

(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the
State of(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

11

04

2008

in the
State of

5. Covering Period 10 01 2008 through 11 24 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Christopher R. Cramer

Signature of Treasurer Electronically Filed by Christopher R. Cramer

Date 09 16 2009

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Democratic Advancement PAC

ADDRESS (number and street)

600 1st Ave, Ste 305

Check if different
than previously
reported. (ACC)

Seattle

WA

98104

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00381517

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)October 15
Quarterly Report(Q3)January 31
Quarterly Report(YE)July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

☒ Jan 31 (YE)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the
State of(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 11 25 2008 through 12 31 2008

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Christopher R. Cramer

Signature of Treasurer Electronically Filed by Christopher R. Cramer Date 09 16 2009

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Democratic Advancement PAC

ADDRESS (number and street)

600 1st Ave, Ste 305

Check if different
than previously
reported. (ACC)

Seattle

WA

98104

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00381517

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report(Q1)July 15
Quarterly Report(Q2)October 15
Quarterly Report(Q3)January 31
Quarterly Report(YE)X July 31 Mid-Year
Report(Non-election
Year Only) (MY)Termination Report
(TER)(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12G)

Election on

in the
State of(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period 01 01 2009 through 06 30 2009

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Christopher R. Cramer

Signature of Treasurer Electronically Filed by Christopher R. Cramer Date 10 25 2009

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev 12/2004)

10092650768

**DETAILED SUMMARY PAGE
OF RECEIPTS**

FEC Form 3X (Rev. 06/2004)

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Write or Type Committee Name

Democratic Advancement PAC

Report Covering the Period: From: ^M0 ^M1 ^D0 ^D1 ^Y2009 To: ^M0 ^M6 ^D30 ^D0 ^Y2009

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	11650.00	11650.00
(ii) Unitemized	4421.04	4421.04
(iii) TOTAL (add Lines 11(a)(i) and (ii) ➤	16071.04	16071.04
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii),(b) and (c)) (Carry Totals to Line 33, page 5) ➤	16071.04	16071.04
12. Transfers From Affiliated/Other Party Committees	0.00	0.00
13. All Loans Received	0.00	0.00
14. Loan Repayments Received	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5)	0.00	0.00
16. Refunds of Contributions Made to Federal candidates and Other Political Committees	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.)	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3)	0.00	0.00
(b) Levin Funds (from Schedule H5)	0.00	0.00
(c) Total Transfer (add 18(a) and 18(b))	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c))	16071.04	16071.04
20. Total Federal Receipts (subtract Line 18(c) from Line 19)	16071.04	16071.04

DETAILED SUMMARY PAGE of Disbursements

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FEC Form 3X (Rev. 02/2003)

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Shared Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share.....	15117.27	15117.27
(ii) Non-Federal Share.....	15117.23	15117.23
(b) Other Federal Operating Expenditures.....	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii) and (b))..... ➤	30234.50	30234.50
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditure (use Schedule E)	0.00	0.00
25. Coordinated Expenditures Made by Party Committees (2 U.S.C. 441a(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	0.00	0.00
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)) ➤	0.00	0.00
29. Other Disbursements.....	0.00	0.00
30. Federal Election Activity (2 U.S.C 431(20))		
(a) Shared Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))....	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	30234.50	30234.50
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	15117.27	15117.27

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

December 9, 2009

Christopher R. Cramer, as Treasurer
Democratic Advancement PAC
600 1st Ave., Ste. 304
Seattle, WA 98104

C00381517
AF# 2105

Dear Mr. Cramer:

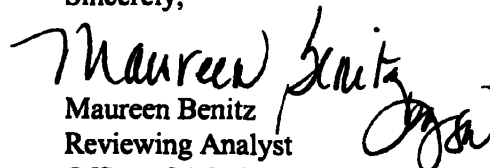
On September 15, 2009, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Democratic Advancement PAC and you, as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2009 Mid-Year Report. The Commission also made a preliminary determination that the civil money penalty was \$7,425 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response submitted by you and any supplemental information submitted Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,


Maureen Benitz
Reviewing Analyst
Office of Administrative Review

Attachment

10092650771



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2009 DEC 30 A 10: 25

December 30, 2009

SENSITIVE

MEMORANDUM

To: The Commission

Through: Alec Palmer *gdp*
Acting Staff Director

From: John D. Gibson *JDG*
Chief Compliance Officer

Shawn Woodhead Wertz *SW*
Reviewing Officer
Office of Administrative Review

By: Maureen Benitz *MB*
Reviewing Analyst *MB*

Subject: Final Determination Recommendation in AF# 2105 – Democratic
Advancement PAC and Christopher R. Cramer, as Treasurer
(C00381517)

On September 15, 2009, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failure to file the 2009 Mid-Year Report. As a result, on September 15, 2009, the Commission also made a preliminary determination that the civil money penalty was \$7,425 based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 25, 2009, the respondents filed the 2009 Mid-Year Report which discloses \$16,071 in total receipts and \$15,117 in total disbursements (less the non-federal share of operating expenditures) for an actual level of activity of \$31,188. The report is non-election sensitive, considered not filed for purposes of the civil money penalty calculation and the respondents have 2 prior violations. 11 C.F.R. § 111.43(a), (d) and (e). Had the report been received disclosing this level of activity (\$31,188) prior to the Commission's RTB finding, the civil money penalty would have been \$1,485 based on the schedule of penalties.

On October 26, 2009, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated December 8, 2009 was forwarded to the Commission, a copy was forwarded to the

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respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$1,485 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in the respondents' challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). To date, no response has been received.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2105 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2105 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Mid-Year Report filed on October 25, 2009 (\$31,188) assess a civil money penalty of \$1,485; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation –) AF 2105
Democratic Advancement PAC and)
Christopher R. Cramer, as Treasurer)
(C00381517))

CERTIFICATION

I, Darlene Harris, Deputy Secretary of the Federal Election Commission, do hereby certify that on January 14, 2010, the Commission decided by a vote of 6-0 to take the following actions in AF 2105:

1. Adopt the Reviewing Officer recommendation for AF 2105 involving the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, in making the final determination.
2. Make a final determination in AF 2105 that the Democratic Advancement PAC and Christopher R. Cramer, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Mid-Year Report filed on October 25, 2009 (\$31,188) assess a civil money penalty of \$1,485.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther and

Weintraub voted affirmatively for the decision.

Attest:

January 14, 2010
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 28, 2010

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher R. Cramer, as Treasurer
Democratic Advancement PAC
600 1st Ave., Ste. 304
Seattle, WA 98104

C00381517
AF# 2105

Dear Mr. Cramer:

On September 15, 2009, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Democratic Advancement PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2009 Mid-Year Report. By letter dated September 16, 2009, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$7,425 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 26, 2009, the Office of Administrative Review received the written response from you and Mr. Thomas Cramer, challenging the RTB finding and civil money penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated on an estimated level of activity, make a final determination that Democratic Advancement PAC and you, as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Mid-Year Report, filed on October 25, 2009 (\$31,188), assess a civil money penalty in the amount of \$1,485 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on December 9, 2009.

On January 14, 2010, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Democratic Advancement PAC, and you, as Treasurer, violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the Mid-Year Report (\$31,188), assessed a civil money penalty of \$1,485 (reduced from the RTB civil money penalty of \$7,425). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

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If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose To Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Maureen Benitz on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$1,485 for the 2009 Mid-Year Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 2105

PAYMENT AMOUNT DUE: \$1,485

**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 18, 2009

The Creditor Agency agrees that:

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency ("Agency") to the Financial Management Service ("FMS"), a bureau of the U.S. Department of the Treasury, for collection through the FMS's Cross-Servicing Program. (Cross-Servicing).;
- II. The Agency will submit debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746, that to the best of his or her knowledge and belief, the following is true and correct:
 1. **Valid Debts.** The debts are delinquent, valid and legally enforceable in the amounts stated.
 2. **No Bar to Collection.** The debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a debt. The Agency's records do not show that any debtor owing a debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such debts will be certifying to the following:
- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset. .
 - b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the debt, the intention of the Agency to collect the debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the debt, including the opportunity to present evidence that all or part of the debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
 - c. The Agency has considered any evidence presented by the debtor and determined that the amount of the debt is past-due and legally enforceable and there are no pending appeals of such determination.
 - d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

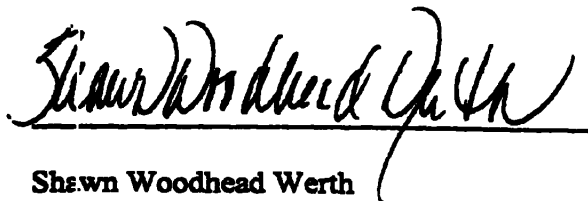
- e. For debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any debt that could be collected by offset without regard to any time limitation prior to **December 31, 2009** (e.g., student loans debts, judgments).
4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:
- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
 - i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.
5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:
- a. determined that the debts are valid and overdue;
 - b. notified the debtor, more than 60 days prior to the date of the certification:
 - i. that the debt is overdue,
 - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
 - iii. of the specific information to be disclosed to the consumer reporting agency, and
 - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Shawn Woodhead Werth

Director, Office of Administrative Review

ATTACHMENT A
TREASURY CROSS-SERVICING PROGRAM
CERTIFICATION TERMINOLOGY

For purposes of the foregoing Agreement, the following describes how creditor agencies submit debts via Electronic Transmission of computer records to the Cross-Servicing program. (Please note this form is not for use by creditor agencies that submit their debts via manual transmission.):

1. **Electronic Transmission.** Any transmission from creditor agencies to the Cross-Servicing Program via any form of electronic media (including, but not limited to, tapes, diskettes, and on-line access), as more particularly described in Step 7; Electronic Format in the "Cross-servicing Implementation Guide", dated November 1998, as may be amended or updated ("Cross Servicing Guide"), is an Electronic Transmission.
2. **Add Records.** Add Records are electronic records which creditor agencies use to add new debts to Cross-Servicing. Add Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.
3. **Update Records.** Update Records are electronic records that creditor agencies use to update, change or modify information about debts previously transmitted to Cross-Servicing by creditor agencies. Update Records are more particularly described in "Step 7; Agency File Formats" in the Cross Servicing Guide.



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2105

DATE SCANNED 3/29/10

SCANNER NO. 2

SCAN OPERATOR EES

10092650783